

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK (BROOKLYN)

JUNG KEUN KIM,

Plaintiff,

v.

NEW YORK MEAT, INC., et al,

Defendants.

Case No. 1:21-cv-01422-ENV-
RERBrooklyn, New York
August 31, 2022TRANSCRIPT OF TELEPHONIC CONFERENCE HEARING
BEFORE THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:

Ryan J. Kim, Esq.
Ryan Kim Law, P.C.
222 Bruce Reynolds Blvd.
Suite 490
Fort Lee, NJ 07024For the Defendants:
(New York Meat, Inc. and
Jong Hwa No)Jonathan Y. Sue, Esq.
Law Offices of Jonathan Y. Sue,
PLLC
303 Fifth Avenue, Suite 1207
New York, NY 10016For the Defendant:
(Picnic World, Corp.)Robert L. Lash, Esq.
Scott K. Hur, Esq.
Hur, Lash & Choe, LLP
600 Sylvan Avenue
Ste 109
Englewood Cliffs, NJ 07632

Clerk:

Miriam Vertus

Court Recorder:

Electronic Sound Recording

1 Transcription Service: Chris Hwang
2 Abba Reporting
3 PO Box 223282
4 Chantilly, Virginia 20153
5 (518) 302-6772
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

24 Proceedings recorded by electronic sound recording;
25 transcript produced by transcription service.

1 (Call to order)

2 THE COURT: Good morning, this is United States Judge
3 Reyes. We are holding a telephone conference in the case of
4 Kim v. New York Meat, Incorporated, et al, docket number 21-CV-
5 1422.

6 Counsel for the Plaintiff, please state your name for
7 the record?

8 MR. KIM: Good morning, Your Honor, Ryan Kim on
9 behalf of the Plaintiff.

10 THE COURT: Counsel for New York Meat?

11 MR. SUE: Jonathan Sue for New York Meat and Jong
12 Hwang No. Good morning, Your Honor.

13 THE COURT: Counsel for Picnic World?

14 MR. LASH: Good morning, Your Honor, this is Robert
15 Lash and I believe Scott Hur's also on the line.

16 MR. HUR: Good morning, Your Honor. Scott Hur here.

17 THE COURT: Okay, I -- there are two issues that we
18 need to discuss. First being New York Meat's request for a
19 signed authorization for the Plaintiff workers unemployment
20 records including --

21 MR. KIM: Yes, Your Honor.

22 THE COURT: -- (indiscernible) and all of that. I
23 thought I was very clear in the last conference, that if the
24 Plaintiff did not have any of those records to produce, that he
25 was to produce a signed authorization. So the -- New York Meat

1 could go get those documents directly from Department of Labor.

2 So am I wrong about that, Mr. Kim?

3 MR. KIM: No, Your Honor, you're right. And then, we
4 did produce the -- we did send the authorization, but
5 apparently Mr. Sue didn't catch it before he filed the letter.

6 And we actually produced the -- so we couldn't -- so
7 we -- the Plaintiff looked for his documents. He couldn't find
8 it. So we drafted a letter, he signed it, and we sent it over
9 to Mr. Sue, but we sent it around like 5:30.

10 I guess Mr. Sue apparently left that day on Friday
11 around 5:00 and he didn't see the letter until after he filed
12 the -- his letter with the Court.

13 And then, he also sent us a, you know, different
14 authorization form that he wanted. So we filled that out and
15 signed -- had the Plaintiff signed it and said -- provided that
16 letter as well.

17 He -- but Plaintiff was out of town travelling, so
18 he -- so and then that form required a notarization. And I
19 asked him to -- if he could find a notary. And then, he
20 couldn't find it.

21 So I, you know, so I relayed to Mr. Sue that once
22 this -- the Plaintiff comes back, we could have that document
23 notarized as well.

24 So as far as we're concerned, that issue actually is
25 moot. And I'm not sure why Mr. Sue didn't get see that letter

1 before he filed it, but I guess we'll (indiscernible)

2 THE COURT: When is he coming back?

3 MR. KIM: I -- as of yesterday, Judge, I spoke -- he
4 was on -- he was travelling. I didn't get to ask him when he
5 was coming back, but I do not know, Judge.

6 THE COURT: Mr. Sue, the --

7 MR. SUE: Your Honor?

8 THE COURT: Yes, go ahead, Mr. Sue.

9 MR. SUE: Yeah, yes, Your Honor. I don't belabor the
10 point because I know you're very -- you're probably very
11 frustrated with this also.

12 But apparently Friday afternoon, Friday evening after
13 I left the office, around 5:34, Plaintiff's counsel did send a
14 what he calls the authorization.

15 But it's basically a letter that says to whom it may
16 concern, I hereby give my authorization without any other
17 details except his name, okay?

18 So on Monday after he brought it to my attention, I
19 went to the website and I pulled out a authorization form for
20 the New York state unemployment.

21 And it took me all about 30 seconds. And it has
22 information such as name, Social Security number, dates of the
23 unemployment benefit request. And it required a notary. So I
24 sent that, along with the instructions I pulled off from the
25 Internet also.

1 And this only took about I'd say a minute or two.

2 And I sent the packet to him on Monday evening or afternoon. I
3 said this is what I need, okay?

4 So late last night, he sent me the authorization
5 form, not notarized. I said what am I supposed to do with
6 this? Obviously, it's going to be worthless. So I don't know
7 when I'm going to get this authorization. I don't know how
8 long is it going to take to get the records.

9 I don't know when the judge is going to decide the
10 motion on the collective certs. I don't know when the JPQO is
11 going to be due.

12 So I'm in limbo here, Your Honor. And it's just
13 incredible how -- why he would wait till the last minute to say
14 he doesn't have something.

15 I mean, if you're looking for something, you find it,
16 and it takes time, that's one thing, but if you obviously don't
17 have it, why wait till the last minute to say you don't have
18 it? I don't understand that, Your Honor.

19 MR. KIM: Judge, I did provide the letter. We
20 couldn't find the form. Well, maybe Mr. Sue has a better feel
21 than I am, but you know, I asked him his -- okay, so Judge,
22 frankly, Defendants here, whenever we -- I sent the document
23 request, they're the one who said, oh, we don't have any of
24 those documents and --

25 THE COURT: I --

1 MR. KIM: -- find it extremely frustrating.

2 THE COURT: -- I really don't want to get into
3 history here and finger pointing and, you know, all that
4 nonsense.

5 You need to find out when your client is going to be
6 back, so he can get a signed, notarized appropriate
7 authorization to Mr. Sue. They're entitled as I said
8 previously to those documents.

9 And you know, if it takes some time to get them, so
10 be it, but Mr. Sue is entitled to have that authorization.

11 So you need to get on the phone with your client,
12 find out when he's coming back. And if he's not coming back
13 any time soon, he has to make arrangements to get that
14 authorization notarized. You are a notary, right, Mr. Kim?

15 MR. KIM: I am, Your Honor. So I --

16 THE COURT: Okay.

17 MR. KIM: I am, Judge. So --

18 THE COURT: And you can't notarize it, you know, you
19 get the signed copy from your client via email. You know his
20 email address. You know who he is. And you can -- I don't
21 understand why you can't notarize it.

22 MR. KIM: I --

23 THE COURT: New York State made some changes to the
24 notary process from what I understand during Covid. And I
25 don't know that that doesn't apply any longer, so.

1 MR. SUE: Your Honor, this is Jonathan Sue. I'm not
2 100 percent sure, but I believe that provision is not in effect
3 any more.

4 THE COURT: Oh, it isn't?

5 MR. LASH: No, that's incorrect, actually. They
6 passed a law detail recently in the last maybe two
7 months -- this is Robert Lash -- continuing it and providing
8 specific procedures for it.

9 THE COURT: Oh.

10 MR. LASH: Okay, so I could send you information on
11 that.

12 THE COURT: So figure out, get it notarized, get it
13 to Mr. Sue. I'll give you until -- what's the Friday after
14 Labor Day? Is that the 9th?

15 And then, you know, Mr. Sue, no later than that. I
16 would prefer it, you know, yesterday, but get it done. And you
17 know, (indiscernible).

18 MR. SUE: I'll get it done, Judge.

19 THE COURT: What do you have pending with Judge
20 Vitaliano, anything? You have no motions pending with him, no
21 pre-motion letters, correct?

22 MR. KIM: We do have that motion to reconsider
23 regarding the closed (indiscernible) ruling, sir.

24 THE COURT: Oh, all right. Where is -- where is that
25 on the docket? Oh, it's an appeal. It's not a motion to

1 reconsider. It's an appeal of my decision.

2 Look, Mr. Sue, you'll have time to get those records.
3 I don't think that -- even if that were -- my decision were
4 upheld, he'll have stuff to do, you know, with Judge Vitaliano
5 (indiscernible) through trial order, all of that.

6 So that's going to take some time. So you should be
7 able to get these records before whatever the next phase is.
8 And that leaves Mr. Lash's recent request.

9 MR. LASH: Yes, Your Honor, thank you. This is
10 Robert Lash.

11 As Your Honor will recall at the -- in the last
12 conference, Your Honor, which I did not attend, but my
13 understanding is that -- I mean, the Plaintiff had produced
14 certain credit card receipts, indicating a number of
15 transactions that he claimed reflected work he did for
16 Defendant Picnic World, but without specifying which one.

17 So, my understanding is Your Honor said at the last
18 conference, said by, you know, I think August 26th, Plaintiff's
19 counsel -- Plaintiffs specified which one.

20 On August 26th, Mr. Kim emailed us a letter just
21 listing types of purchases he claims he bought at different
22 stores on behalf of Plaintiff.

23 But we don't know which of the transactions, which
24 dates and what was purchased specifically at any of those
25 (indiscernible).

1 So, for example, there were multiple, you know,
2 records for B.J.'s Wholesale. I don't -- he says in his August
3 25th letter, he bought cleaning supplies here.

4 Okay, was -- did he buy anything for himself? Were
5 all the transactions at B.J.s just for Picnic World and none
6 for himself? Or were most of them for himself? We don't know.
7 We don't know what he's claiming he bought or when.

8 And especially, you know, we would like copies of the
9 receipts to show exactly what was bought because he waited to
10 produce all these records until after his deposition, so that
11 we couldn't just ask him at his deposition any of these
12 questions.

13 So, you know, the Court had ordered him to, you know,
14 identify which transactions he did for the Defendants. He
15 hasn't done that.

16 We're asking him -- we're asking the Court to let us
17 preclude him from introducing evidence at trial of that or to
18 get us, you know, the information that we're asking for.

19 You know, which transactions? What was purchased?
20 Give us the receipts for that. Who asked you to do those
21 specific purchases?

22 I mean, he had previously sent us a list of just, you
23 know, 20 people who he said over the years asked him to do
24 various things, but we don't know the specific transactions
25 that he's claiming. We don't know which they are or who asked

1 for those specific transactions or what they involve. We're
2 entitled to that information, I believe.

3 THE COURT: It's -- Mr. Kim, do you want to be heard
4 on this?

5 MR. KIM: Yes, Your Honor. So, Your Honor, so
6 Plaintiff listed the name, phone numbers of the employees of
7 the Picnic World who asked, you know, who asked, you know, what
8 to buy.

9 So we produced those lists of all the names and then
10 the phone numbers and what, you know, what specifically they
11 were -- they asked this Plaintiff to go buy.

12 So we have already produced them. And as Your Honor
13 may remember, Plaintiff worked for both Defendants for decades
14 and decades.

15 We last worked in 2020. So it's been old -- so any
16 you know, and then, so obviously, whatever the receipt they're
17 saying that, oh, we need this specific receipt. They're
18 they -- Plaintiffs do not have them.

19 If we had it, obviously, that would
20 support -- bolster Plaintiff's case. So there was no reason
21 for us not to produce them, but unfortunately, obviously,
22 nobody keeps the credit card receipt, you know, from like years
23 and years ago.

24 So, instead, I asked him, hey, maybe you had those
25 credit card statements, go look for it. And that's

1 what -- that's when we got the credit card statements.

2 We contact the credit card and got those statements.
3 And we produced the statement. And then now, they're saying,
4 oh, and they said we don't know which one.

5 So then, we produced the letter saying, okay, so Mr.
6 Plaintiff went to this store and bought these things. And
7 then, now they're not satisfied because you know what? All
8 the -- who asked him, where's the receipt?

9 So the Defendants' 30(b)(6) witness said that she
10 said that the company never asked the Plaintiff to buy
11 anything. So that was their official statement.

12 So the Defendants' position is that no -- none of the
13 employees, the corporation, never asked him to do -- buy
14 anything, didn't ask him to deliver anything. That's their
15 position.

16 And then, Plaintiff's saying, look, I have all these
17 phone records, all this you know, call -- you know, call back
18 and forth with all these employees showing that I have so many
19 phone calls.

20 Then now I have this credit card statement showing
21 that, you know, I bought these things. I told you which store
22 I went. I bought these things for whom.

23 And now, they're saying where's the receipt? When
24 did (indiscernible) you know, ask you to buy. We don't have
25 those information, Judge.

1 THE COURT: Do the credit card statements indicate
2 each of the -- for each of the transactions the name of the
3 vendor like, you know, B.J.'s Wholesale or?

4 MR. KIM: Yes, Your Honor, it does, but if -- to the
5 extent that -- so it shows the date. It shows the store, you
6 know, B.J.s or you know, Detro (phonetic) Cash and Carry, and
7 then the amount.

8 Obviously, it's not going to show -- and if Plaintiff
9 has to buy multiple items, it doesn't list every single item.
10 That was only from, you know, only the receipt I believe would
11 have that information.

12 But again, years and years ago, we don't have those
13 receipts. I mean, so that's why we relying on the credit card
14 statement.

15 THE COURT: What --

16 MR. HUR: But Your Honor, he -- is Plaintiff claiming
17 that every single --

18 THE COURT: Hold on, hold on, hold on. What
19 period -- what is the period of time that the credit card
20 statements covers?

21 MR. KIM: So I believe the ones that we produced to
22 the Defendant is one from 2016.

23 MR. HUR: Your Honor, I have the document here. It's
24 Scott Hur for Picnic World. He produced from June of 2017 to
25 November -- end of November of 2019.

1 THE COURT: That's all you have?

2 MR. KIM: Yes, Your Honor, that's all we have could
3 get.

4 MR. HUR: Your Honor, this Scott Hur again. Let
5 me -- I would like to Your Honor to understand what -- so Mr.
6 Kim, lying Kim, he -- in this letter, he says B.J. Wholesale,
7 he bought cleaning supplies here, all right, that's the
8 response to our request. But then the amount of money, it's
9 \$2,364.62 for B.J. Wholesales.

10 I mean, the reason that -- the statements should only
11 identify the date, the transaction date, the -- and the total
12 amount. It doesn't show what was purchased.

13 So for Mr. Kim to say he (indiscernible), which
14 presumably, I mean, I added the numbers, \$2,364, I mean,
15 that -- it just --

16 MR. LASH: Well, it's -- and it's multiple
17 transactions. We don't know where each of those transactions
18 would be claiming that was for Picnic World. He doesn't say
19 were they also for his own -- were any of them for his own
20 personal items. He doesn't say.

21 THE COURT: Well, wait a second. When you say
22 multiple transactions, what do you mean?

23 MR. LASH: What I mean is that there are multiple
24 state -- statements from multiple months. So say in June, he
25 went to B.J.s. And then, in August, he went to B.J.s.

1 And then in, you know, a year later, he went to
2 B.J.s. So there are multiple times that he went to B.J.s for
3 example.

4 Now did he go to B.J.s all those times just for
5 Picnic World? Did he go to any of those just for himself?

6 Were some of them mixed? We don't know. We
7 don't -- and we don't know what he purchased in any particular
8 transaction that he's claiming was for this.

9 And this is, you know, what the problem that we're
10 having here is, you know, we don't believe he actually did
11 this.

12 So he's given us a credit card statement that said I
13 went to B.J.s. And then, he sent -- his attorney sends a
14 letter saying I went to B.J.s, you know, several times.

15 And then, his attorney sends a letter saying he
16 bought cleaning supplies at B.J.s. You know, and you add up
17 all those transactions, it's over \$2,000 because B.J.s alone in
18 multiple -- multiple times.

19 THE COURT: So wait a second. So you're saying that
20 B.J.s, there are multiple transactions that add up to over
21 \$2,000?

22 MR. LASH: Yes.

23 THE COURT: Or each of them is --

24 MR. LASH: Yes.

25 THE COURT: -- \$2,000?

1 MR. LASH: No, multiple that add up to that, but we
2 don't know if were any of those transactions just for the
3 Plaintiff's personal purchases?

4 THE COURT: And --

5 MR. LASH: We don't know because he doesn't want to
6 tell us.

7 THE COURT: Mr. Kim, you say that your client does
8 not have the receipts, the actual receipts from any of these
9 trips to the various vendors?

10 MR. KIM: So, Your Honor, actually, what my client
11 said is that he -- so he would get -- so he paid -- bring those
12 items that he bought to the store through the Picnic World.
13 And then, he would get reimbursed.

14 So it's a possibility that the Defendant themselves
15 because obviously they want, you know, they don't want to
16 overpay.

17 They only want to pay for items that, you know,
18 Plaintiff got for Defendant. So presumably, they have it,
19 because you know, there's -- they're the ones who's paying for
20 it.

21 THE COURT: Okay, so a simple question. He doesn't
22 have the receipts any longer, correct?

23 MR. KIM: He does not, Your Honor. Correct, Judge.

24 THE COURT: All right, so here's what you're going to
25 do. When he gets back in, if the -- if Picnic World wants to

1 take his deposition on this issue, they can.

2 If he doesn't have receipts, you can't produce
3 receipts. He's indicated in a letter from counsel that the
4 transactions on the credit card report for the various stores
5 that are listed are work done on behalf of Picnic World.

6 If you want to probe that, whether he -- you know,
7 this trip on June 1st was for Picnic World or not, or if
8 his -- was it -- did he buy stuff for himself at that trip, you
9 can inquire, but if not --

10 MR. LASH: Okay.

11 THE COURT: -- without the receipts, which he claims
12 he doesn't have, I don't know that I can help you out. And I'm
13 not going to preclude him from making this argument.

14 MR. LASH: Okay, all right. Understood, Your Honor.

15 THE COURT: So you have to make that decision if you
16 want to take the deposition. And if you do, you'll let Mr. Kim
17 know. And that deposition will be held within one week of him
18 returning to New York.

19 MR. LASH: Okay, Mr. Kim will let us know when he's
20 returning to New York?

21 THE COURT: Yes, you're going to let him -- Mr. Kim,
22 you're going to let them know by the end of this week or you
23 need to get in contact with your client.

24 I mean, you're going to be contacting him anyway to
25 notarize the authorization. So you might as well find out when

1 he's coming back to New York and --

2 MR. KIM: Yes, Your Honor.

3 THE COURT: -- you know, he may have to sit for
4 another deposition, which I would assume would be a very short
5 deposition.

6 MR. KIM: Yes, Your Honor.

7 THE COURT: All right.

8 MR. LASH: All right, thank you, Your Honor.

9 MR. KIM: Your Honor, I have one last issue that I
10 wanted to bring to the Court's attention.

11 THE COURT: Did you discuss it -- did you meet and
12 confer with Mr. Sue, and Mr. Lash, and Mr. Hur about it?

13 MR. KIM: So I -- well, so --

14 THE COURT: That you're hemming and hawing, that
15 you're hemming and hawing means that you didn't.

16 MR. KIM: No, because I'm not sure if they
17 could -- if they would agree or not. From my perspective, we
18 did. It's about the witnesses, the nonemployee witness
19 deposition that the Court granted the Plaintiff to take.

20 And out of the four nonemployees, three of the
21 nonemployee who confirmed to have to be deposed and subpoenaed,
22 mysteriously, they did not show up.

23 They didn't appear on the -- and even like a Friday
24 evening when -- as we confirmed that they were going to be
25 appearing, and then, they were acquiring, you know, asking

1 about the time and place.

2 And then, Monday, they just didn't show up. And
3 three of them, so three of them did not appear.

4 And then, we -- you know, and then, Plaintiff called
5 to follow up why they didn't show up. And then, they
6 just -- they don't even answer the phones any more.

7 So I have a -- I -- you know, I'm highly concerned
8 that Defendant Mr. No might be playing some witness
9 intimidation or witness tampering.

10 So I'd like to pursue, you know, to find out
11 what -- you know, why they didn't show up.

12 MR. HUR: Your Honor, this is Scott Hur --

13 MR. SUE: Your Honor, this is Jonathan Sue here.

14 MR. HUR: Oh, I'm sorry, Jonathan.

15 MR. SUE: Okay, just a quick refresher, Your Honor.

16 The Plaintiff (indiscernible) these witnesses were never served
17 with subpoenas in the first place.

18 And from the information I got, they were threatened
19 by Plaintiff's counsel about various things to show up for the
20 deposition.

21 One of them showed up, two of them didn't for
22 whatever reason. All the counsels were present. They didn't
23 show up.

24 We concluded the deposition. And Your Honor reminded
25 Plaintiff's counsel that you're going to compel anything who's

1 not served with a subpoena in the first place.

2 So we're way past the deadline here. And he's trying
3 to re-hash something that's already been resolved.

4 MR. KIM: Your Honor, (indiscernible).

5 MR. HUR: Your Honor, I join in the -- Your Honor --

6 MR. KIM: (Indiscernible) witness tampering.

7 THE COURT: Mr. Kim, Mr. Kim, wait.

8 MR. HUR: Your Honor, this is Scott Hur. You know, I
9 really sort of -- Mr. Kim's mischaracterization of the facts.
10 There are three witnesses. One showed up, two didn't.

11 He did not serve subpoenas. Your Honor in the last
12 hearing specifically told Mr. Kim, you know, you're not going
13 to be able to compel. This is it, this is the end. This is
14 the end date, no more.

15 And Your Honor -- and we want -- we Picnic World move
16 for protective order, but Your Honor specifically said for
17 sloppiness, Plaintiff's counsel sloppiness, right, but no
18 prejudice.

19 Again, he did not meet and confer. He does not
20 answer Your Honor's questions. He's always going around being
21 very sloppy, continuously being sloppy.

22 You know, not really following Your Honor's
23 directives and orders. And he's trying to re-hash never ending
24 discovery yet again. This is nuts, Your Honor.

25 MR. KIM: So, Judge, I'm not asking to compel. I'm

1 asking -- I'm trying to find out if the Defendant's actually
2 tampering. That's what I'm asking, Judge.

3 THE COURT: But what do you -- how do you propose to
4 do that? What are you asking me for, Mr. Kim?

5 MR. KIM: So I want the Defendants under oath to say,
6 hey, did you call them? Did you call these witness? When did
7 you call them? What did you tell -- what did you
8 (indiscernible)?

9 THE COURT: You want --

10 MR. KIM: Why did you call them --

11 THE COURT: -- to take another deposition?

12 MR. KIM: Just to find out if the Defendants tampered
13 or, you know, or you know, tampered with the scheduled
14 depositions.

15 So I -- so, Judge, it's not about to compel them to
16 (indiscernible), because I don't believe there's, you know, now
17 that's for, Your Honor, because I have a very good feeling that
18 Defendant reached out because otherwise, how could the -- you
19 know, all of them when they confirmed?

20 I have the text message showing that, you know, I'll
21 be there by 8:30. And then, they -- and then mysteriously,
22 they don't show up. They're not even answering the Plaintiff's
23 calls.

24 I have never spoken with any of the witnesses, Judge.

25 So --

1 MR. HUR: Your Honor, Your Honor, this is just pure
2 speculation on Mr. Kim's part. Again, another one of
3 victim -- you know, we're victim here. You know, this is my
4 belief. You know, this is my feelings.

5 I mean, if Your Honor so wishes, we could get a
6 declaration from the, you know, from the Defendant, but that
7 being said, Your Honor specifically has stated no more
8 deposition. No more -- no extension.

9 MR. KIM: And (indiscernible)

10 MR. SUE: Yeah, (indiscernible) Plaintiff.

11 MR. HUR: When Mr. Kim says to the Court that he
12 never spoke to any of the witnesses, what he's omitting to tell
13 the Court is that his client did.

14 Even the night before, his client was calling and his
15 office was calling the witnesses, trying to pressure them, even
16 though they didn't -- and we're not sure exactly what the
17 Plaintiffs told these witnesses, but no subpoenas were served.

18 MR. KIM: Judge, if it's just relying on declaration,
19 Defendant's going to lie. That I know he's already lied. I
20 have --

21 MR. HUR: Your client's lying, Mr. Kim. What about
22 the Plaintiff lying about this? Your client never worked for
23 Picnic World. You're raising all these issues, raising -- I
24 mean, stop it, please.

25 THE COURT: So you want me to order the Defendant to

1 appear for a deposition, so you can inquire as to whether he
2 tampered with these nonparty witnesses, who were never
3 subpoenaed to appear for a deposition?

4 MR. KIM: Judge, they were by agreement. They agreed
5 to appear, Judge. We have -- so I mean, I have evidence that
6 they're -- they, you know, they agreed. So the witness, they
7 can waive and then appear voluntarily, Judge. So --

8 MR. SUE: Your Honor, we don't know why the witness
9 did not appear.

10 MR. KIM: -- phone records.

11 MR. SUE: But --

12 MR. KIM: If he calls the Defendant -- those
13 witnesses, it will have them. You know, so if we look at
14 the -- his phone. I mean, on message (indiscernible) now he
15 might say oh, I lost my phone. You know, so that might happen.

16 You know, but this is a very serious job, Judge. The
17 parties cannot tamper with the witnesses.

18 MR. SUE: (Indiscernible.)

19 MR. HUR: Again, Your Honor, this is Scott Hur again.
20 If in fact any of the Defendants have tampered, so-called
21 tampered witnesses, wouldn't Mr. Kim or Ryan -- the Plaintiff's
22 counsel, who's been reaching out to those witnesses, who Mr.
23 Kim states that they agreed to show up. Yeah, they didn't show
24 up for whatever the reason may be.

25 Now he's upset and he wants to speculate that because

1 they didn't show up, it must be the Defendants must have
2 tempered, what -- no. It's just -- this is all just -- it's
3 crazy, Your Honor.

4 MR. KIM: Judge, I mean, reasonably, if for whatever
5 reason the witness wasn't able to show up, and if the Plaintiff
6 called them, then they would say, oh, yeah, you know what?
7 Something came up. I'm so sorry. I -- you said that would be
8 a reasonable thing, Judge, right?

9 And what they're not even answering the call now.
10 And when Friday evening, they confirmed, and Monday, they don't
11 show up. And three of them, you know, they all don't show up,
12 that tells me something's going on, Judge. And --

13 MR. LASH: So (indiscernible) wanted three witnesses
14 to (indiscernible) --

15 THE COURT: Stop, stop, stop.

16 MR. LASH: -- deposed anymore. So now you're adding
17 an additional witness and ignoring the fact that it was your
18 client, who contacted them and harassed them and intimidated
19 them.

20 So are we getting to depose the Plaintiff on his
21 witness tampering?

22 MR. KIM: Robert, do you have any proof that my
23 client intimidated --

24 MR. LASH: I have as much as you (indiscernible).

25 THE COURT: Okay, stop, stop, stop. No one has proof

1 of anything. It's all speculation. If you want to make some
2 sort of application, Mr. Kim, go right ahead. Good luck. All
3 right, I just don't see it.

4 And if you do make that application, don't be -- and
5 don't be surprised that the Defendants make an application to
6 take your client's deposition on his contacts with these
7 nonparties.

8 MR. SUE: Well, this is Jonathan Sue, Your Honor.
9 And obviously, Plaintiff's counsel's office decided to keep in
10 touch with these witnesses and, you know, all these types of
11 conversations they had with them. So they could be subject to
12 any inquiries if anything. I mean, why stop there?

13 MR. LASH: Right. That's correct, Your Honor.

14 MR. KIM: I'm all for having evidentiary hearing,
15 have everybody come in and tell you definitely what they said.

16 THE COURT: No, I'm not -- if you want to make that
17 application, go right ahead. Good luck. I said it already.

18 You know, this is getting ridiculous. I have another
19 conference, gentlemen. So I need to turn to it.

20 So unless there's anything else, we're adjourned.

21 MR. LASH: Nothing further, Your Honor.

22 MR. SUE: Nothing further, Your Honor.

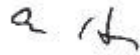
23 THE COURT: All right.

24 (Proceedings concluded)

25

CERTIFICATE

I, Chris Hwang, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

September 21, 2022

Chris Hwang

Date

Court Reporter